

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

VON CLARK DAVIS,

Petitioner,

: Case No. 2:16-cv-495

- vs -

District Judge Susan J. Dlott  
Magistrate Judge Michael R. Merz

TIMOTHY SHOOP,<sup>1</sup> Warden,  
Chillicothe Correctional Institution,

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Respondent.

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**ORDER FOR REPORT ON SCHEDULING MATTERS**

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This capital habeas corpus case under 28 U.S.C. § 2254 is before the Court *sua sponte* for a status review.

The Magistrate Judge filed an Order for Answer on November 28, 2016, which set deadlines for an answer and reply (ECF No. 12). With a number of agreed extensions of time, Petitioner filed his Reply on December 18, 2017 (ECF No. 29). Shortly before that, Petitioner moved to amend to add a claim under *Hurst v. Florida*, \_\_ U.S. \_\_, 136 S.Ct. 616, 624 (2016)(ECF No. 25). The Magistrate Judge's Decision denying that Motion was affirmed by District Judge Dlott on January 26, 2018 (ECF No. 34). Nothing has been filed in the case since that date.

In Petitioner's Unopposed Motion to Modify Scheduling Order of December 14, 2016), it

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<sup>1</sup> The Court has been advised by the Ohio Attorney General's Office that Timothy Shoop has succeeded Charlotte Jenkins as the Warden at the Chillicothe Correctional Institution (ECF No. 1404 in Case No. 2:11-cv-1016). Pursuant to Fed. R. Civ. P. 25(d), Mr. Shoop is substituted for Ms. Jenkins as Respondent herein and the caption amended as set forth above.

was represented to the Court that after the pleading were complete,

[T]he parties will confer again to address, among other matters, proposed deadlines for any motion for discovery and whether Petitioner will seek to file a motion to expand the record and/or for an evidentiary hearing. In addition, the parties plan to confer in the near future about materials that Petitioner has preliminarily identified as missing from the Appendix the Warden has filed, (ECF No. 3), and the Warden will file any supplement to that appendix as soon as practicable.

(ECF No. 13, PageID 8888). Nothing referred to in this paragraph has been filed.

Accordingly, it is hereby ORDERED that counsel for the parties confer and provide the Court a status report, not later than July 16, 2018, noting their respective positions on any additional filings needed or whether the case is now ripe.

July 2, 2018.

s/ *Michael R. Merz*  
United States Magistrate Judge